IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DELBERT PAUL WALKER,) 99cv1860
Petitioner,) ELECTRONICALLY FILED
)
V.)
)
TAMMY FERGUSON, Superintendent of)
SCI Benner Township, and ATTORNEY	,)
GENERAL OF PENNSYLVANIA,)

Respondents.

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Petitioner Delbert Paul Walker's objections to the April 4, 2016, Report and Recommendation ("R&R") [ECF No. 30] of Magistrate Judge Cynthia Reed Eddy, which recommended that the pending "Motion for Rule 60(b)(6)" [ECF No. 27] be denied and a certificate of appealability not be issued. The R&R sets forth a comprehensive account of the lengthy factual background of this case. Petitioner was served with the R&R at his listed address and was advised that objections to the R&R were due fourteen (14) days after service. He timely filed objections. [ECF No. 32].

After de novo review of the motion, and the pleadings and documents in the case, together with the Report and Recommendation and Objections thereto, the Court concludes that Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge as to the disposition of this action. Petitioner has presented no "extraordinary circumstances" which would excuse his failure to bring this motion within a reasonable time. Therefore, the Motion for

Rule 60(b)(6) will be denied and a certified of appealability will not be issued. An appropriate Order follows:

AND NOW, this 20th day of April, 2016:

IT IS HEREBY ORDERED that the Motion for Rule 60(b)(6) [ECF No. 27] is **DENIED** and that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 30] is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: DELBERT PAUL WALKER
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Bellefonte, PA 16823
(via U.S. First Class Mail)

Rusheen R. Pettit Office of the District Attorney (via ECF electronic notification)